

93/IFW

Docket No. 1293.1112



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Jung-wan KO et al.

Application No.: 09/805,438

Group Art Unit: 2184

Filed: March 14, 2001

Examiner: Yolanda L Wilson

Confirmation No. 2073

For: METHOD OF VERIFYING DEFECT MANAGEMENT AREA INFORMATION OF  
OPTICAL DISC UPON INITIALIZATION WITH CERTIFICATION AND TEST  
APPARATUS FOR PERFORMING THE SAME

**LETTER TO THE EXAMINER REQUESTING CONSIDERATION OF TIMELY FILED  
INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

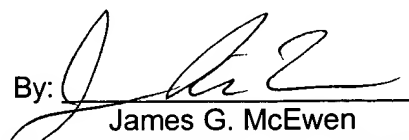
Sir:

In reviewing the instant application, it appears that the Examiner has not provided an initialed form PTO-1449 confirming that the Examiner has considered the references submitted in the Information Disclosure Statement filed April 5, 2004. As such, please find enclosed a copy of the Information Disclosure Statement retrieved from the Patent Application Information Retrieval (PAIR) system, which includes evidence of prior receipt on April 5, 2004.

It is respectfully requested that the Examiner confirm that these references have been considered.

Respectfully submitted,

STAAS & HALSEY LLP

By:   
James G. McEwen  
Registration No. 41,983

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501

Date: SEPT 20, 2004



6-804 210-7

Attorney Docket No. 1293.1112

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Jung-wan KO et al.

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Technology Center 2100

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APPARATUS FOR PERFORMING THE SAME

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 CFR § 1.56, there is hereby provided certain information that the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the subject application.

1. Enclosures accompanying this Information Disclosure Statement are:

- 1a. ☒ Form PTO-1449.
- 1b. ☒ Copies of IDS citations.
- 1c. ☐ An English language copy of search report(s) from a counterpart foreign application or a PCT International Search Report.
- 1d. ☒ English language translation (abstract only) attached to each non-English language publication.
- 1e. ☒ Explanations of Relevancy of References (ATTACHMENT 1(e), hereto) for providing a concise explanation of each non-English publication.
- 1f. ☐ List of Copending Applications (ATTACHMENT 1(f), hereto).
- 1g. ☐ List of Additional Submitted Documents (ATTACHMENT 1(g), hereto).

2. ☐ This Information Disclosure Statement is filed under 37 CFR §1.97(b):

(Check either Item 2a or 2b or 2c or 2d)

- 2a. ☐ Within three months of the filing date of a national application other than a Continued Prosecution Application under § 1.53(d);
- 2b. ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application.
- 2c. ☐ Before the mailing of a first Office Action on the merits; or
- 2d. ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.

3. ☒ This Information Disclosure Statement is filed under 37 CFR § 1.97(c) after the period specified in paragraph 2 above but before the mailing date of any of a Final Office Action under § 1.113, a Notice of Allowance under § 1.311 or an action that otherwise closes prosecution in the application, AND

*(Check either Item 3a or 3b; Item 3b to be checked if any reference known for more than 3 months)*

- 3a. ☒ The §1.97(e) Statement in Item 5 below is applicable; OR  
 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:  
☐ enclosed.  
☐ to be charged to Deposit Account No. 19-3935.

4. ☐ This Information Disclosure Statement is filed under 37 CFR §1.97(d) after the period specified in paragraph 3 above, but on or before payment of the Issue Fee, AND

- 4a. ☐ The § 1.97(e) Statement in Item 5 below is applicable; AND  
 4b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:  
☐ enclosed.  
☐ to be charged to Deposit Account No. 19-3935.

5. ☒ Statement under § 1.97(e) (*applicable if Item 3a or Item 4a is checked*)  
*(Check either Item 5a or 5b)*

- 5a. ☒ In accordance with 37 CFR § 1.97(e)(1), it is stated that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.  
 5b. ☐ In accordance with 37 CFR § 1.97(e)(2), it is stated that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known by any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

6. ☐ This is a continuation/divisional/continuation-in-part application under 37 CFR § 1.53(b).

*(Check appropriate Items 6a and/or 6b)*

- 6a. ☐ Copies of the publications listed on the attached Form PTO-1449 which were previously cited in prior application Serial No. \_\_, filed on \_\_, and which is relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, have been omitted pursuant to 37 CFR § 1.98(d).  
 6b. ☐ Copies of the publications listed on the attached Form PTO-1449 which were not previously cited in prior application Serial No. \_\_, filed on \_\_, and which is relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, are provided herewith.

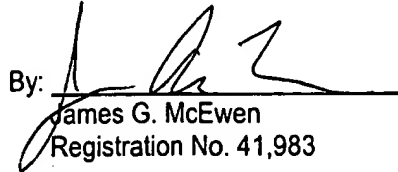
7. ☐ This is a continuation/divisional application under 37 CFR § 1.53(d) or a Request for Continued Examination under 37 CFR 1.114.  
(Check either Item 7a or 7b)
- 7a. ☐ The Issue Fee has not been paid.
- 7b. ☐ A Petition to Withdraw from issue under 37 CFR § 1.313(c) is filed concurrently herewith or has been granted. A continuation/divisional application under 37 CFR § 1.53(d) or a Request for Continued Examination under 37 CFR 1.114, after payment of the Issue Fee, is proper in accordance with 37 CFR § 1.53(d)(1)(ii) or 37 CFR 1.114(a), respectively.
8. ☐ This is a Supplemental Information Disclosure Statement.  
(Check either Item 8a or 8b)
- 8a. ☐ This Supplemental Information Disclosure Statement under 37 CFR § 1.97(f) supplements the Information Disclosure Statement filed on \_\_\_\_\_. A bona fide attempt was made to comply with 37 CFR § 1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental IDS can be considered as if properly filed on \_\_\_\_\_.
- 8b. ☐ This Supplemental Information Disclosure Statement is timely filed within one (1) month of the Notice under 37 CFR § 1.97 and 1.98, mailed \_\_\_\_\_.
9. ☒ In accordance with 37 CFR § 1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:  
(Check appropriate Items 9a, 9b, 9c and/or 9d)
- 9a. ☐ satisfied because all non-English language publications were cited on the enclosed "English language version of the search report or action which indicates the degree of relevance found by the foreign office". (See MPEP § 609, Minimum Requirements for an Information Disclosure Statement, Part A(3): Concise Explanation of Relevance, 8th Ed.)
- 9b. ☐ set forth in the application.
- 9c. ☒ satisfied because an English language translation (abstract only) is attached to each non-English language publication.
- 9d. ☒ enclosed as Attachment 1(e), hereto.
10. No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than search report(s) from a counterpart foreign application or a PCT International Search Report, if submitted herewith). 37 CFR §§ 1.97(g) and (h).

11. The Commissioner is authorized to credit any overpayment or charge any additional fee required under 37 CFR § 1.17 for this Information Disclosure Statement to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Dated: APRIL 5, 2009  
1201 New York Ave., N.W., Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501

By:   
James G. McEwen  
Registration No. 41,983



Sheet 1 of 1

FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.

1293.1112

APPLICATION NO.

09/805,438

FIRST NAMED INVENTOR

Jung-wan KO et al.

FILING DATE

March 14, 2001

GROUP ART UNIT

2184

## LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

## U.S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL |    | DOCUMENT<br>NO. | DATE     | NAME        | CLASS | SUB-<br>CLASS | FILING<br>DATE |
|---------------------|----|-----------------|----------|-------------|-------|---------------|----------------|
|                     | AA | 6,480,446       | 11/12/02 | Ko          |       |               | 4/20/99        |
|                     | AB | 5,404,357       | 4/4/95   | Ito, et al. |       |               | 6/29/92        |
|                     | AC |                 |          |             |       |               |                |

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## FOREIGN PATENT DOCUMENTS

|  |    | DOCUMENT<br>NO. | DATE     | COUNTRY | CLASS | SUB-<br>CLASS | TRANSLATION<br>YES NO |  |
|--|----|-----------------|----------|---------|-------|---------------|-----------------------|--|
|  | AE | 2000-003562     | 1/7/00   | Japan   |       |               | Abstract<br>only      |  |
|  | AF | 06-349201       | 12/22/94 | Japan   |       |               | Abstract<br>only      |  |
|  | AG | 55-064660       | 5/15/80  | Japan   |       |               | Abstract<br>only      |  |
|  | AH | 10-144011       | 5/29/98  | Japan   |       |               | Abstract<br>only      |  |
|  | AI | 05-002837       | 1/8/93   | Japan   |       |               | Abstract<br>only      |  |
|  | AJ | 05-307836       | 11/19/93 | Japan   |       |               | Abstract<br>only      |  |
|  | AK | 03-016025       | 1/24/91  | Japan   |       |               | Abstract<br>only      |  |
|  | AL | 09-213011       | 8/15/97  | Japan   |       |               | Abstract<br>only      |  |

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

TRANSLATION  
YES NO

|  |    |  |  |  |
|--|----|--|--|--|
|  | AL |  |  |  |
|--|----|--|--|--|

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**ATTACHMENT 1(e)**

|  |                      |                 |
|--|----------------------|-----------------|
| <b>EXPLANATIONS OF RELEVANCY<br/>OF REFERENCES</b> | ATTORNEY DOCKET NO.  | APPLICATION NO. |
|  | 1293.1112            | 09/805,438      |
|  | FIRST NAMED INVENTOR |                 |
|  | Jung-wan KO et al.   |                 |
|  | FILING DATE          | GROUP ART UNIT  |
|  | March 14, 2001       | 2184            |

U.S. Patent No. 6,480,446 corresponds to Japanese publication No. 2000-3562

U.S. Patent No. 5,404,357 corresponds to Japanese publication No. 05-2837

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